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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NAKAYAMA ET AL.

Serial No. 10/581,247

Filed: May 31, 2006



Atty. Ref.: 925-342

Group: 2822

Examiner: Green, T.D.

For: SILICON CARBIDE SEMICONDUCTOR DEVICE AND
MANUFACTURING METHOD THEREFOR

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Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated May 30, 2008, Applicant elects Species I (the species of Embodiment 1, Figs. 1-3, claims 13-15 and 18-20) for further prosecution in the event no generic claim is finally held to be allowable. The Office Action deems claims 13, 16 and 17 to be generic.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained.

The Commissioner is authorized to charge the undersigned's deposit account no. 14-1140 in whatever amount is necessary for entry of this Amendment and the continued pendency of the captioned application, including but not limited to any extension of time fees.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE P.C.

June 30, 2008

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